

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CLARA FINCH CRUZ, M.D.

PLAINTIFF

v.

CIVIL ACTION NO.: 2:18-cv-2483-JPM-tmp

**ROBERT WILKIE, SECRETARY,
U.S. DEPARTMENT OF VETERANS AFFAIRS**

DEFENDANT

PLAINTIFF'S PROPOSED WITNESS AND EXHIBIT LIST

COMES NOW, the Plaintiff, Clara Finch Cruz, by and through counsel, pursuant to Rule 26(a)(3) of the Federal of Rules of Civil Procedure, hereby submits his Witness and Exhibit List as follows:

1. Plaintiff will call the witnesses at the trial of this matter:

1. Clara Finch Cruz, MD;
2. Juan Cruz;
3. Thomas C. Ferguson, MD;
4. David K. Dunning;
5. Eugene S. Pearlman, MD;
6. Robert Vance, CPA, ABV, CFF, CVA, CFP;
7. Natalie Brown;
8. Brenda Hamilton;

2. Plaintiff may call the following witnesses:

1. Scotte R. Hartronft, MD;

2. Christopher Marino, MD
3. Sharon M. O'Mearns
4. Gail K. Bernston
5. Lora A.C. Kirk
6. Rana Samuel, MD
7. Zaida Rivera-Correa, MT
8. Carl Mara, MT
9. Andrea Swiatlo
10. Cheryl Brewer
11. Richard J. Kaufmann, MD
12. Alfred H. Pratt
13. David Wood
14. Samuel Burnside
15. Jan Slate
16. Santiago Vera, MD
17. Claudio Tombazzi, MD
18. Alva Weir, MD
19. Catherine K. Austin
20. Robert Wise
21. James Belmont
22. Nadeen Zafar
23. James Lewis, M.D.
24. Javed Tunio, MD

25. Micki McClain
26. C. Barrett – HR who rec FMLA from FC
27. Jim A. Hayes – Former VISN9 Interim Director
28. Susan Calhoun, M.D.
29. Darryl Weiman, M.D.
30. John Stewart, M.D.
31. Bradford Waters, M.D.
32. Vicki Richardson
33. Angela McCowan-Bailey
34. April Creed
35. Atiba Alexander
36. Cynthia Breyfogle
37. Alexander Matthew, M.D.
38. Victor Bondar, M.D.
39. Ilya Stone, M.D.
40. Kay Hennessey
41. Any witness identified by the Defendant.

Plaintiff reserves the right to call additional witnesses for the purposes of impeachment and rebuttal.

3. In addition to any exhibits offered by the Defendant, the Plaintiff intends to use the following exhibits:

1. **Exhibit 1** to Deposition of Thomas Ferguson – 11/17/16 - Email from Dr. Marino to Dr. Ferguson re Pathology - **Cruz - 089600**
2. **Exhibit 2** to Deposition of Thomas Ferguson – 11/28/16 - Email from Dr. Marino to Dr. Ferguson re: OPPE Clinical Service Chiefs - **Cruz - 089299**
3. **Exhibit 3** to Deposition of Thomas Ferguson, M.D. 11/22/16 - Email from Dr. Ferguson to Dr. Marino re: OPPE - **Cruz - 011694**
4. **Exhibit 4** to Deposition of Thomas Ferguson, M.D. – 11/25/16 – Email from Finch Cruz to Dr. Ferguson re: Follow Up: Pathologist- **Cruz - 089610**
5. **Exhibit 5** to Deposition of Thomas Ferguson, M.D. – 1/9/17 – Meeting Invite from Dr. Ferguson to Dr. Finch Cruz re: Dr. Finch Cruz Recruitment & Health Issues with proof of FC accepting- **Cruz - 088443** and **Cruz 088442**
6. **Exhibit 6** to Deposition of Thomas Ferguson, M.D. 1/11/17 Meeting invite from Dr. Finch Cruz to Dr. Ferguson re: F/U Meeting: Health Issues/CAP - **Cruz - 088427**
7. **Exhibit 7** to Deposition of Thomas Ferguson, M.D. – 1/12/17 Memorandum from Dr. Finch Cruz to Medical Center Director re Hiring Dr. Gupta – **Cruz – 087667 - 087669**
8. **Exhibit 8** to Deposition of Thomas Ferguson, M.D.– 1/12/17 Email from Dr. Finch Cruz to Dr. Ferguson re Dr. Pearlman’s Request for Retirement - **Cruz - 088421**
9. **Exhibit 9** to Deposition of Thomas Ferguson, M.D. – 1/16/17 Memorandum from Dr. Finch Cruz to Dr. Ferguson re: Tour of Duty and Treatment Schedule form Jan 16, 2017 to Feb 14, 2017 **Cruz - 083515**

10. **Exhibit 10** to Deposition of Thomas Ferguson, M.D. VA Handbook 5975.1 Appendix C re: Timeframes for Processing Reasonable Accommodation Request(s) **C-1**
11. **Exhibit 11** to Deposition of Thomas Ferguson, M.D. – 1/18/17 Email from Dr. Finch Cruz to Natalie Brown re CFinch Cruz’s Schedule from Jan 16 to Feb 14, 2017 - **Cruz 011931**
12. **Exhibit 12** to Deposition of Thomas Ferguson, M.D. – 1/18/17 - Email response from Natalie Brown to Dr. Ferguson re: Dr. Finch Cruz’s schedule - **Cruz 003690 to 003692**
13. **Exhibit 13** to Deposition of Thomas Ferguson, M.D. – 1/18/17 Ltr to Dr. Tunio from the Gastrointestinal Tumor Board - **Cruz 075075**
14. **Exhibit 14** to Deposition of Thomas Ferguson, M.D. – 1/18/17 – Email from Dr. Ferguson to Lora Kirk re: Contract for Pathology Services at UT - **Cruz 088362**
15. **Exhibit 15** to Deposition of Thomas Ferguson, M.D. – 1/19/17 Memorandum from Dr. Finch Cruz to Interim Associate Medical Center Director for travel reimbursement - **Cruz 072087 to 072089**
16. **Exhibit 16** to Deposition of Thomas Ferguson, M.D.– 1/19/17 – Meeting invite from Brenda Hamilton to Dr. Finch Cruz re F/U Meeting: Health Issues/CAP- **Cruz 087828**
17. **Exhibit 17** to Deposition of Thomas Ferguson, M.D. – 1/21/17 Email from Dr. Ferguson to Dr. Kaufmann re Important: Pathology Backlog- **Cruz 087805 to 087810**

18. **Exhibit 18** to Deposition of Thomas Ferguson, M.D. – 1/26/17 Email from Dr. Finch Cruz to Dr. Ferguson re: Decision, includes Memorandum to Dr. Ferguson - **Cruz 083415 to 083417**
19. **Exhibit 19** to Deposition of Thomas Ferguson, M.D.– 1/23/17 Email from Dr. Finch Cruz to Dr. Ferguson re Breast Cancer – Decline to Step Down - **Cruz 002265 to 002266**
20. **Exhibit 20** to Deposition of Thomas Ferguson, M.D. – 1/23/17 Email from Ms. Rivera-Correa to Dr. Ferguson re: IMPORTANT: Pathology Backlog - **Cruz 086038 to 086039**
21. **Exhibit 21** to Deposition of Thomas Ferguson, M.D. – 1/24/17 Email from Dr. Ferguson to Ms. Rivera-Correa re: IMPORTANT : Pathology Backlog - **Cruz 087741 to 087743**
22. **Exhibit 22** to Deposition of Thomas Ferguson, M.D. 1/24/17 Email from Dr. Finch Cruz to Dr. Ferguson re: Update: Pathology Backlog- **Cruz 083529 to 083532**
23. **Exhibit 23** to Deposition of Thomas Ferguson, M.D. – 1/25/17 Email from Dr. Ferguson to himself re: Update: Pathology Backlog - **Cruz 087704**
24. **Exhibit 24** to Deposition of Thomas Ferguson, M.D. 1/25/17 Email from Dr. Ferguson to himself re: Update: Pathology Backlog – 1/25/17 Email from Dr. Ferguson to Dr Finch Cruz re: Assist Visit, requesting action plan- **Cruz 087699 to 087702**
25. **Exhibit 25** to Deposition of Thomas Ferguson, M.D. 1/25/17 Email from Dr. Ferguson to Vernita Franklin re Update: Pathology Backlog- **Cruz 087692**

26. **Exhibit 26** to Deposition of Thomas Ferguson, M.D. 1/24/17 Memphis Pathology Delay Update - **Cruz 087698 to 087697**
27. **Exhibit 27** to Deposition of Thomas Ferguson, M.D. 10/18/17 Email from Dr. Finch Cruz to herself re: Update: Pathology Backlog - **Cruz 011645 to 011646**
28. **Exhibit 28** to Deposition of Thomas Ferguson, M.D. 1/27/17 Email from Dr. Finch Cruz to Dr. Ferguson re CAP Complaint Closure- **Cruz 087505**
29. **Exhibit 29** to Deposition of Thomas Ferguson, M.D. – 1/26/17 Ltr from College of American Pathologists to Dr. Finch Cruz stating the that the lab was in compliance. - **Cruz 005948**
30. **Exhibit 30** to Deposition of Thomas Ferguson, M.D. -1/27/17 Email from Lora Kirk to Dr. Ferguson re: Assist Visit and FF of hazmat issue- **Cruz 007465**
31. **Exhibit 31** to Deposition of Thomas Ferguson, M.D. 1/29/17 Email from Dr. Ferguson to Ms. Kirk re: Memo re: Chief P&L - **Cruz 028787**
32. **Exhibit 32** to Deposition of Thomas Ferguson, M.D. -1/29/17 Email Dr. Ferguson to Ms. Kirk re Assist Visit- **Cruz 007456 to 007464**
33. **Exhibit 33** to Deposition of Thomas Ferguson, M.D. – Dr. Finch Cruz’s FMLA form Dr. Angela Wortham dated 1/30/17- **Cruz 002284 to 002287**
34. **Exhibit 34** to Deposition of Thomas Ferguson, M.D. – 1/31/17 Email from Ms. Kirk to Cheryl Brewer re: Memo - Fact Finding for Misconduct TS May 31 2016- **Cruz 087390 to 087392**
35. **Exhibit 35** to Deposition of Thomas Ferguson, M.D. 2/5/17 Memorandum from Dr. Ferguson to Dr. Finch Cruz re: Detailing her out of her position- **Cruz 0002277**

36. **Exhibit 36** to Deposition of Thomas Ferguson, M.D. 2/3/17 Email from Dr. Jim Lewis to Dr. Ferguson re: Pathology Resident Concerns about VA Path Lab educational experience 2017 - **Cruz 087324 to 087326**
37. **Exhibit 37** to Deposition of Thomas Ferguson, M.D. – 2/7/17 Email from Ms. Kirk to Catherine Austin re; Thank You Note – Stellar CAP Inspection- **Cruz 020422 to 020423**
38. **Exhibit 38** to Deposition of Thomas Ferguson, M.D. – 2/8/17 – Bulletin naming Dr. Pearlman the Acting Chief of Pathology and Laboratory Medicine Service from David Wood, Interim Medical Director- **Cruz 002278**
39. **Exhibit 39** to Deposition of Thomas Ferguson, M.D. -Dr. Ferguson’s file on Dr. Finch Cruz’s EEO complaint- **Cruz 087161 to 087165**
40. **Exhibit 40** to Deposition of Thomas Ferguson, M.D. – 2/9/17 Email from Mr. Wood to Dr, Ferguson re: Notice of Informal Counseling Case Number 2001-2017101635 - **Cruz 087221**
41. **Exhibit 41** to Deposition of Thomas Ferguson, M.D. 2/14/17 Email from Dr. Ferguson to Ms. Austin re FF Activity - **Cruz 0028617 to 028621**
42. **Exhibit 42** to Deposition of Thomas Ferguson, M.D. -2/23/17 Email from Sherron Jernigan to Ms. Kirk ccing Dr. Ferguson re Letter from Attorney re: Dr. Finch Cruz- **Cruz 002290 to 002292**
43. **Exhibit 43** to Deposition of Thomas Ferguson, M.D. – 2/16/17 Memorandum from Dr. Finch Cruz to Dr. Pearlman re VAMC Memphis Top Laboratory (Group la) in VISN9 for FY2016- **Cruz 002288 to 002290**

- 44. **Exhibit 44** to Deposition of Thomas Ferguson, M.D. 2/21/17 Memorandum from Dr. Pearlman to Dr. Finch Cruz re Delegation of Authority - Medical Oversight of Community Based Outpatient Center (CBOC) Laboratory Services- **Cruz 071558**
- 45. **Exhibit 45** to Deposition of Thomas Ferguson, M.D. 2/27/17 Email from Kevin Freeman to Dr. Pearlman re Dr. Strom's request- **Cruz 086093**
- 46. **Exhibit 46** to Deposition of Thomas Ferguson, M.D. – 3/9/17 Email from Ms. Austin to Dr. Ferguson re Questions from last week- **Cruz 085994 to 085995**
- 47. **Exhibit 47** to Deposition of Thomas Ferguson, M.D. -2/21/17 Dr. Finch Cruz's Fact Finding - **Cruz 086484 to 086495**
- 48. **Exhibit 48** to Deposition of Thomas Ferguson, M.D. – 3/19/17 Email from Mickie McClain to Dr. Ferguson re Finding with Memphis Review March 2017 - **Cruz 085973**
- 49. **Exhibit 49** to Deposition of Thomas Ferguson, M.D. 3/24/17 Email from Ms. Austin to Kristy Bennett re Time for Responses to Questions submitted to Dr. Finch Cruz- **Cruz 002293**
- 50. **Exhibit 50** to Deposition of Thomas Ferguson, 3/24/17 Email form Dr. Ferguson to Ms. Austin ccing Keta Barnes re Time for Responses to Questions submitted to Dr. Finch Cruz- **Cruz 006837**
- 51. **Exhibit 51** to Deposition of Thomas Ferguson, M.D. -3/20/17 Email form Ms. Rivera-Correa to Dr. Finch Cruz re: Finding with Memphis Review March 2017- **Cruz 085856 to 085857**

- 52. **Exhibit 52** to Deposition of Thomas Ferguson, M.D. – 3/24/17 Email from Dr. Ferguson to James Belmont re Time for Responses to Questions submitted to Dr. Finch Cruz - **Cruz 006823**
- 53. **Exhibit 53** to Deposition of Thomas Ferguson, M.D. – 3/28/17 Email from Dr. Ferguson to Mr. Belmont re Sec VA's comments and concerns- **Cruz 028192 to 028193**
- 54. **Exhibit 54** to Deposition of Thomas Ferguson, M.D. – 3/29/17 Memorandum from Chief, Nutrition and Food Services to Dr. Ferguson re Fact Finding of Complaint by the Tumor Board - **Cruz 027776 to 027778**
- 55. **Exhibit 55** to Deposition of Thomas Ferguson, M.D. – 3/30/17 Email from Dr. Ferguson to himself w/FF Clara Finch Cruz 2017- **Cruz 085554, 002126 to 002157**
- 56. **Exhibit 56** to Deposition of Thomas Ferguson, M.D. – 3/30/17 Email from Dr. Ferguson to Margaret Smith re AIM Dr. FC- **Cruz 006653**
- 57. **Exhibit 57** to Deposition of Thomas Ferguson, M.D. – 4/11/17 Email from Dr. Ferguson to Elizabeth Hill re Employee Issue- **Cruz 027774**
- 58. **Exhibit 58** to Deposition of Thomas Ferguson, M.D. – 3/3/17 Email from Dr. Ferguson to VHAMEM CEB re Vetpro Approvals - **Cruz 002319 to 002320**
- 59. **Exhibit 59** to Deposition of Thomas Ferguson, M.D. – 4/13/17 Email from Ms. Hill to Dr. Ferguson re Memo to Dr. Ferguson for CO-EAH Comments - **Cruz 027770 to 027773**

60. **Exhibit 60** to Deposition of Thomas Ferguson, M.D.– 3/4/17 Memorandum from Chief of Staff to Medical Director re FPPE/OPPE Completed by Subordinate- **Cruz 002334**
61. **Exhibit 61** to Deposition of Thomas Ferguson, M.D. – 3/8/17 Email from Dr. Ferguson to Sharon O’Means re Dr. FC- **Cruz 006433**
62. **Exhibit 62** to Deposition of Thomas Ferguson, M.D. – 4/20/17 Dr. Ferguson’s file named Dr. Pearlman’s Proposed 2.12.17 - **Cruz 084752 to 084753**
63. **Exhibit 63** to Deposition of Thomas Ferguson, M.D. – 3/9/17 Email from Dr. Ferguson to Ms. O’Mearns re Dr. FC: EOC of P&LMS w/pictures - **Cruz 027666 to 027669**
64. **Exhibit 64** to Deposition of Thomas Ferguson, M.D. – 3/9/17 Email from Dr. Ferguson to Ms. O’Mearns re AIB w/attachments- **Cruz 027560**
65. **Exhibit 65** to Deposition of Thomas Ferguson, M.D. 3/9/17 Email from Dr. Ferguson to Ms. O’Mearns re Possible AIB Rebuttal- **Cruz 027554**
66. **Exhibit 66** to Deposition of Thomas Ferguson, M.D. – 3/10/17 Dr. Finch Cruz’s Complaint of Employment Discrimination- **Cruz 01910 to 001913**
67. **Exhibit 67** to Deposition of Thomas Ferguson, M.D. – 3/10/17 Email from Dr. Ferguson to Ms. O’Mearns re: Names of Possible AIB Members- **Cruz 006356 to 006361**
68. **Exhibit 68** to Deposition of Thomas Ferguson, M.D.- 3/11/17 Email from Dr. Ferguson to Ms. Smith re Finding with Memphis Review March 2017- **Cruz 084076 to 084077**

69. **Exhibit 69** to Deposition of Thomas Ferguson, M.D. – 3/23/17 Email from Gail Bernston to Dr. Ferguson re path MD salary- **Cruz 027535**
70. **Exhibit 70** to Deposition of Thomas Ferguson, M.D. – 3/25/17 Ltr emailed to David Dunning re Notice of Acceptance of EEO Complaint of Dr. Finch Cruz- **Cruz 006270 to 006273**
71. **Exhibit 71** to Deposition of Thomas Ferguson, M.D. – 6/4/17 Email from Dr. Ferguson to Charles Pigue re gaining Grand Master access- **Cruz 083590**
72. **Exhibit 72** to Deposition of Thomas Ferguson, M.D. – 6/6/17 Email to Willie Hogan to Dr. Ferguson re Grand Master Access- **Cruz 083643 to 083643**
73. **Exhibit 73** to Deposition of Thomas Ferguson, M.D. – 6/6/17 Email from Todd Burnett to Dr. Ferguson re AIM Composition P&L- **Cruz 0 to 011834 to 011835**
74. **Exhibit 74** to Deposition of Thomas Ferguson, M.D.– 6/15/17 Email form Angennetta Grimes to Dr. Ferguson re EEO Document Production Due 6/1/17- **Cruz 0 006266**
75. **Exhibit 75** to Deposition of Thomas Ferguson, M.D. –6/16/17 Dr. Ferguson file document of initial response to EEO - **Cruz 011781 to 011782**
76. **Exhibit 76** to Deposition of Thomas Ferguson, M.D.—6/22/17 Email from Sharon O’Mearns to Dr. Ferguson re AIB participates - **Cruz 006255 to 006258**
77. **Exhibit 77** to Deposition of Thomas Ferguson, M.D.– 6/26/17 – Email form Margarete Hageman Williams to Dr. Ferguson re Locums for Pathologists- **Cruz 083256**
78. **Exhibit 78** to Deposition of Thomas Ferguson, M.D.— 7/14/17 Email from Ms. O’Mearns to Dr. Ferguson re Update P&L - **Cruz 006215**

- 79. **Exhibit 79** to Deposition of Thomas Ferguson, M.D.—7/17/17 Email from Ms. O’Mearns to Dr. Ferguson re MCD Meeting today- **Cruz 011775**
- 80. **Exhibit 80** to Deposition of Thomas Ferguson, M.D. – 7/17/17 Email from Ms. O’Mearns to Dr. Ferguson re P&L AIB - **Cruz 011776 to 011777**
- 81. **Exhibit 81** to Deposition of Thomas Ferguson, M.D. –7/17/17 Email from Dr. Ferguson to Sheila Stout re VA TMS Learning Expiration Notification- **Cruz 082494**
- 82. **Exhibit 82** to Deposition of Thomas Ferguson, M.D.—7/19/17 Email from Nadeem Zafar to Dr. Pearlman- **Cruz 082483 to 082484**
- 83. **Exhibit 83** to Deposition of Thomas Ferguson, M.D. –7/20/17 Dr. Finch Cruz’s Performance Plan and Appraisal - **Cruz 001897 to 001906**
- 84. **Exhibit 84** to Deposition of Thomas Ferguson, M.D. – 8/4/17 Memo from Medical Center Director to Drs. Hartronft, Kinchellie-Zaren, and Samuel. Re Administrative Investigation (AI) into allegations of neglect of duty - **Cruz 0000500 to 000501**
- 85. **Exhibit 85** to Deposition of Thomas Ferguson, M.D.—8/8/17 Email from Ms. O’Mearns to Dr. Ferguson re Dr. FC: EOC of P&LMS w/photos- **Cruz 0022564 to 022600**
- 86. **Exhibit 86** to Deposition of Thomas Ferguson, M.D. – 8/17/17 Email from Dr. Ferguson to Dr. Hartronft re AI-Memphis VAMC - **Cruz 006202 to 006205**
- 87. **Exhibit 87** to Deposition of Thomas Ferguson, M.D.—8/21/17 Email from Dr. Ferguson to Dr. Kaufmann re A-Memphis VAMC - **Cruz 0006191**

- 88. **Exhibit 88** to Deposition of Thomas Ferguson, M.D. – 9/1/17 Email from Ms. O’Mearns to Dr. Ferguson re AB F-C - **Cruz 006079 to 006081**
- 89. **Exhibit 89** to Deposition of Thomas Ferguson, M.D. – 9/11/17 Email from Dr. Ferguson to Samuel Burnside re AIB SharePoint Site - **Cruz 006053 to 006059**
- 90. **Exhibit 90** to Deposition of Thomas Ferguson, M.D. – 9/25/17 AIB testimony Dr. Ferguson. - **Cruz 003288 to 003342**
- 91. **Exhibit 91** to Deposition of Thomas Ferguson, M.D. – 9/28/17 Email from Ms. Kirk to Dr. Ferguson re AIB Another Request- **Cruz 006026 to 006027**
- 92. **Exhibit 92** to Deposition of Thomas Ferguson, M.D. – 10/6/17 Email from Ms. Kirk to Dr. Ferguson re AIB Another Request- **Cruz 006015 to 006016**
- 93. **Exhibit 93** to Deposition of Thomas Ferguson, M.D. –10/10/17 Email from Ms. Kirk to Ms. O’Mearns re Attention Needed re: Obtaining IB for AIB- **Cruz 006011 to 006012**
- 94. **Exhibit 94** to Deposition of Thomas Ferguson, M.D. – 10/12/17 Email from Ms. Kirk to Dr. Ferguson re Dr. Ferguson – AIB follow up request- **Cruz 005988 to 005991**
- 95. **Exhibit 95** to Deposition of Thomas Ferguson, M.D. – 10/12/17 Email from Dr. Ferguson to Ms. Kirk re Dr. Ferguson – AIB follow up request - **Cruz 005980 to 005983**
- 96. **Exhibit 96** to Deposition of Thomas Ferguson, M.D. –10/12/17 Email from Ms. Kirk to Dr. Hartonft re Dr. Ferguson - AIB follow up request - **Cruz 0005920 to 005921**

97. **Exhibit 97** to Deposition of 30(B)(6) –10/12/17 Email from Ms. O’Mearns to Dr. Ferguson re Able to open it and AIB question - **Cruz 011687 to 011688**
98. **Exhibit 98** to Deposition of Thomas Ferguson, M.D. – 10/12/17 Email from Dr. Ferguson to Ms. O’Mearns re Able to Open it and AIB question - **Cruz 011685**
99. **Exhibit 99** to Deposition of Thomas Ferguson, M.D. – 10/16/17 Email from Dr. Hartronft to Dr. Ferguson re More Info Needed - **Cruz 005894**
100. **Exhibit 100** to Deposition of Thomas Ferguson, M.D.—10/16/17 Email from Ms. Slate to Dr. Ferguson re Photo Date - **Cruz 005858 to 005861**
101. **Exhibit 101** to Deposition of Thomas Ferguson, M.D.– 10/30/17 Email from Ms. Slate to Ms. O’Mearns re CAP Complaint Closure – Ref#7384- **Cruz 005727 to 005729**
102. **Exhibit 102** to Deposition of Thomas Ferguson, M.D.– 11/15/17 Email from Dr. Samuel to Dr. Ferguson re IB question Re: Specimen Age - **Cruz 005518 to 005525**
103. **Exhibit 103** to Deposition of Thomas Ferguson, M.D. –11/17/17 Email from Dr. Hartronft to Ms. O’Mearns re Help with finding IB related to carts of unprocessed specimens being found in FEB - **Cruz 022014 to 022018**
104. **Exhibit 104** to Deposition of Thomas Ferguson, M.D.– 11/20/17 Email from O’Mearns to Dr. Hartronft re Help with finding IB related to carts of specimens being found in FEB - **Cruz 022002 to 022013**
105. **Exhibit 105** to Deposition of Thomas Ferguson, M.D. – 11/22/17 Email from Dr. Ferguson to Estella Hornes re CFinch Cruz’s Schedule from January 16 to February 14, 2017- **Cruz 004961**

- 106. **Exhibit 106** to Deposition of Thomas Ferguson, M.D. – Photographs of specimens- **Cruz 108559 to 108558**
- 107. **Exhibit 107** to Deposition of Thomas Ferguson, M.D. – 11/16/17 Email from Dr. Ferguson to Dr. Hartronft re Final request for critical AIB related information- **Cruz 005220 to 005221**
- 108. **Exhibit 108** to Deposition of Thomas Ferguson, M.D.— 11/28/17 Dr. Ferguson’s Witness Testimony- **Cruz 005004 to 005043**
- 109. **Exhibit 109** to Deposition of Thomas Ferguson, M.D.—3/21/2018 Email from David Huhman to Ms. Kirk re Outstanding Balance – Ratification - **Cruz 071179 to 071180**
- 110. **Exhibit 110** to Deposition of Thomas Ferguson, M.D.—11/28/17 Email from Ms. O’Mearns to Ms. Kirk re Final request for critical AIB related information - **Cruz 005047 to 005049**
- 111. **Exhibit 19** to Deposition of Thomas Ferguson, M.D. – 11/28/17 Email from Dr. Ferguson to Arleen Foster re Final request for critical AIB related information - **Cruz 0005044 to 005046**
- 112. **Exhibit 112** to Deposition of Thomas Ferguson, M.D.—11/28/17 Email from Ms. Foster to Ms. O’Mearns re VHA ISSUE BRIEF V09-03032017 – Path and Lab Staffing and Safety Review - **Cruz 075080 to 075081**
- 113. **Exhibit 113** to Deposition of Thomas Ferguson, M.D. – 11/29/17 Email from Dr. Ferguson to Dr. Hartronft re Update: Pathology Backlog - **Cruz 011595 to 011598**

- 114. **Exhibit 114** to Deposition of Thomas Ferguson, M.D.— 11/29/17 Memo from AIB Chair to Director, Memphis VA Medical Center re AIB re Allegations of neglect of duty - **Cruz 021760 to 021775**
- 115. **Exhibit 115** to Deposition of Thomas Ferguson, M.D. – 11/30/17 Email from Dr. Ferguson to Robert Wise re 2 actions and FC low hanging fruit- **Cruz 004930**
- 116. **Exhibit 116** to Deposition of Thomas Ferguson, M.D. – 12/4/17 Email from Ms. O’Mearns to Dr. Ferguson re VHA ISSUE BRIEF V09-03062017 – Path and Lab Staffing and Safety Review- **Cruz 004926 to 004929**
- 117. **Exhibit 117** to Deposition of Thomas Ferguson, M.D. –12/4/17 Email from Ms. O’Mearns to Dr. Ferguson re Request for AIB summary- **Cruz 004924 to 004925**
- 118. **Exhibit 118** to Deposition of Thomas Ferguson, M.D. – 12/22/17 Proposed Removal Ltr from Dr. Ferguson to Dr. Finch Cruz - **Cruz 011572 to 011577**
- 119. **Exhibit 119** to Deposition of Thomas Ferguson, M.D. – 1/11/18 Ltr from CAP with CAP accreditation to Memphis VAMC Pathology and Laboratory Medicine Service- **Cruz 044591 to 044602**
- 120. **Exhibit 120** to Deposition of Thomas Ferguson, M.D. – 2/4/18 Email from David Reesman to Dr. Ferguson re Prop. Removal -Finch Cruz 1-2-18- **Cruz 021075**
- 121. **Exhibit 121** to Deposition of Thomas Ferguson, M.D. – 2/5/18 Email from Dr. Ferguson to Ms. Brewer re Prop Removal-Finch Cruz 1-2-18 - **Cruz 011569 to 011570**
- 122. **Exhibit 122** to Deposition of Thomas Ferguson, M.D. – 2/22/18 Email from Dr. Ferguson to Dr. Finch Cruz re Mandatory Meeting with the Chief of Staff - **Cruz 011461 to 011462**

- 123. **Exhibit 123** to Deposition of Thomas Ferguson, M.D. – 2/23/18 Proposed Removal to Dr. Finch Cruz- **Cruz 000493 to 000498**
- 124. **Exhibit 124** to Deposition of Thomas Ferguson, M.D. – 2/27/18 Response to Proposed Removal ltr from Plaintiff's counsel to David Dunning - **Cruz 000488 to 000492**
- 125. **Exhibit 125** to Deposition of Thomas Ferguson, M.D. – 3/2/18 Email from Mr. Dunning to Ms. Brewer re Clara Finch-Cruz - **Cruz 072889 to 072891**
- 126. **Exhibit 126** to Deposition of Thomas Ferguson, M.D. – 3/8/18 Email from Ms. Brewer to Dr. Ferguson re C-FC Status - **Cruz 004292**
- 127. **Exhibit 127** to Deposition of Thomas Ferguson, M.D. – 3/8/18 Ltr discharging Dr. Finch Cruz - **Cruz 000481 to 000487**
- 128. **Exhibit 128** to Deposition of Thomas Ferguson, M.D. – 3/9/18 Email from Mr. Kirk to Dr. Ferguson re Please RECONNECT/ENABLE Access - **Cruz 004284 to 004285**
- 129. **Exhibit 129** to Deposition of Thomas Ferguson, M.D. – 3/15/18 Email from Ms. Brewer to Ms. Kirk re ARPA - **Cruz 071481 to 071482**
- 130. **Exhibit 130** to Deposition of Thomas Ferguson, M.D. – 3/16/18 Email from Brewer to Ferguson re Involuntary Retirement - **Cruz 011019 to 011021**
- 131. **Exhibit 131** to Deposition of Thomas Ferguson, M.D. – 5-9-18 Dr. Finch Cruz's Complaint of Employment Discrimination- **Cruz 000459 to 000464**
- 132. **Exhibit 132** to Deposition of Thomas Ferguson, M.D. – Undated Memo from Medical Director to VA OIF Hotline Acting Director- **Cruz 010630 to 010633**

- 133. **Exhibit 133** to Deposition of Thomas Ferguson, M.D. – Thomas Ferguson Affidavit- **Cruz 001036 to 001047**
- 134. **Exhibit 134** to Deposition of Thomas Ferguson, M.D. – 1/15/18 Dr. Fienh Cruz’s Performance Pay Recommendation & Approval signed by Dr. Ferguson - **Cruz 001742**
- 135. **Exhibit 135** to Deposition of Thomas Ferguson, M.D. – 2/9/18 Dr. Finch Cruz’s Performance Pay Recommendation & Approval signed by Dr. Pearlman- **Cruz 001718**
- 136. **Exhibit 136** to Deposition of Thomas Ferguson, M.D. – Quality Assurance document- **Quality Assurance 001 to 0025**
- 137. **Exhibit 137** to Deposition of Thomas Ferguson, M.D. – List of Complaints against Dr. Ferguson- **Cruz 010565 to 010568**
- 138. **Exhibit 138** to Deposition of Thomas Ferguson, M.D. – 4/3/17 Email from Credentialing and Privileging to Dr. Finch Cruz re her reappointment to VA Medical Center - **Cruz 002320**
- 139. 9/12/17 Email from Jan Slate to Dr. Ferguson re AIB change of proposed dates – **Cruz 006049 to 006050**
- 140. 9/13/17 Email from Ms. O’Mearns to Dr. Ferguson re AIB change of proposed dates – **Cruz 006045 to 006048**
- 141. 9/27/17 Emailed calendar invite from Dr. Finch Cruz to herself re AIB and AIB Continuation – **Cruz 006033 to 006034**
- 142. 10/9/17 Ltr from Plaintiff’s counsel to Department of Veterans Affairs’ Office of Resolution Management – **Cruz 001926 to 001928**

- 143. 10/11/17 Email from Dr. Ferguson to Dr. Hartronft re *Dr. Ferguson - AIB follow up request – **Cruz 006005**
- 144. 10/12/17 Ltr from Department of Veterans Affairs’ Office of Resolution Management to Plaintiff’s counsel re Notice of Amendment of the EEO Complaint of Clara Finch Cruz, Case number 200I-0614-2017101635, Filed on May 11, 2017 – **Cruz 000845 to 0000848**
- 145. 10/27/17 Email from Ms. O’Mearns to Dr. Ferguson re Memphis AIB – OIT Assistance needed – **Cruz 005768 to 005770**
- 146. 10/31/17 Email from Ms. Kirk to Dr. Ferguson re AIB Follow up – **Cruz 005716**
- 147. 11/14/17 Email from Dr. Ferguson to himself re FWD: CFC; 10165; affidavit (need Dr. Ferguson’s email address – **Cruz 005533 to 005536**
- 148. Photos of lab specimens– **Cruz 108558 to 108559 NEED TO MAKE SURE IN COLOR**
- 149. 11/29/17 Email from Ms. O’Mearns to Dr. Dunning re AIB report status– **Cruz 004931 to 004933**
- 150. 12/6/17 Email from Dr. Ferguson to himself re Administrative Investigation Board Re: Allegations of Neglect of Duty
- 151. 12/27/17 Email from Ms. Brewer to Dr. Ferguson re Prop. Removal – Finch Cruz– **Cruz 011588**
- 152. 1/2/18 Email from Dr. Ferguson to Robert Wise re Final Actions for FC– **Cruz 021157**
- 153. 1/2/18 Email from Dr. Ferguson to Robert Wise re Prop. Removal – Finch Cruz 1-2-18– **Cruz 004305, 004307, 004308, 004309, 004310, 004311 and 004312**

- 154. 1/14/18 Email from Dr. Ferguson to Dr. Finch Cruz re Meeting with Dr. Finch Cruz and Human Resources– **Cruz 011471**
- 155. 3/9/18 Email from Ms. Kirk to Dr. Finch Cruz re Meeting with COS
- 156. 3/15/18 Email from Dr. Pearlman to Dr. Finch Cruz re Involuntary Retirement– **Cruz 071475**
- 157. 3/22/18 Email from Larry Wildes re Clarification on access of Dr. Finch Cruz– **Cruz 003957 to 003958**
- 158. 5/9/18 Ltr from Plaintiff’s counsel to Department of Veterans Affairs’ Office of Resolution Management re Dr. Finch Cruz’s formal complaint with supplement – **Cruz 000465 to 00466**
- 159. 5/14/18 Ltr from Department of Veterans Affairs’ Office of Resolution Management to Plaintiff’s Counsel re Notice of Receipt of the Discrimination Complaint of Clara Finch Cruz, Case No. 200I-0614-2018103373, Filed on May 11, 2018– **Cruz 000467 to 000468**
- 160. VA Handbook 5005/61 on Staffing– **Cruz 002279 to 002283**
- 161. VA Handbook 0700 on Convening Administrative Investigations– **Cruz 002356**
- 162. PLMS Staffing Vacancies– **Cruz0108556**
- 163. 8/14/16 Dr. Finch Cruz’s Performance Appraisal signed by Dr. Marino – **Cruz 001106 to 00111**
- 164. 11/12/16 Email from Dr. Finch Cruz to Dr. Ferguson re Pathologist– **Cruz 089310**
- 165. 1/25/17 Email from Dr. Pearlman to Clarence Hale re Assist visit– **Cruz 087670**

- 166. 1/18/17 Email from Natalie Brown to Dr. Finch Cruz re Cfinch Cruz's Schedule from January 16 to February 14, 2017– **Cruz 011929**
- 167. 1/18/2017 Ltr to Dr. Tunio from Gastrointestinal Tumor Board re Critical Pathology Deficiencies– **Cruz 075045**
- 168. 1/3/17 Email from Dr. Ferguson to Dr. Finch Cruz re Overread surgical path form outside contractors– **Cruz 0011698**
- 169. 1/20/17 Email- Dr. Ferguson to Rivera Correa and Dr. Finch Cruz re anatomic slide issue update– **Cruz 07453 to 07455**
- 170. 1/25/17 Email from Dr. Pearlman to Mr. Hale re Assist Visit – **Cruz 087670 to 087671**
- 171. 2/1/17 Email from Ms. Kirk to Dr. Ferguson re Memo – Fact Findings for FC February 1, 2017 - **Cruz 028776**
- 172. 2/3/17 Email from Dr. Ferguson to Vernita Franklin re Memo – Fact Findings for FC February 1, 2017 – **Cruz 020429**
- 173. 2/3/17 Email from Dr. Ferguson to himself re Dr. Finch Cruz Path and Lab Concerns – **Cruz 087312**
- 174. 2/9/17 Email from Mr. Wood to Dr. Ferguson re Notice of Informal Counseling Case Number 200I-0614-2017101635
- 175. 2/14/17 Email from Dr. Ferguson to Ms. O'Mearns re FF Activity – **Cruz 028629 to 028631**
- 176. 2/23/17 Email from Jernigan to Ms. Kirk re Letter from Attorney re: Dr. Finch - **Cruz 086212, 002291, and 002292**

- 177. 2/21/17 Memo from Dr. Pearlman to Dr. Finch Cruz re Delegation of Authority – Medical Oversight of Community Based Outpatient Center (CBOC) Laboratory Services – **Cruz 071558**
- 178. 2/22/17 Email from Dr. Finch Cruz to Dr. Pearlman re Delegation Ltr ICO Dr. Clara N. Finch Cruz – **Cruz 086519 to 086518**
- 179. 2/23/17 Email from Dr. Ferguson to Dr. Kaufmann re VAMC Memphis Top Laboratory (Group la) in VISN9 for FY2016 – **Cruz 086496 to 086501**
- 180. 3/14/17 Email from Ms. Austin to Murphy – Gordon re Need Assistance PLMS – **Cruz 006829 to 006830**
- 181. 4/12/17 Email from Dr. Rivera-Correa to Dr. Ferguson re Routine Site Visit Summary Response #2-#5 – **Cruz 084901 to 084902**
- 182. 5/9/17 Email from Dr. Ferguson re Ms. O’Mearns re AIB – **Cruz 027560**
- 183. 6/6/17 Email from Dr. Ferguson to Willie Logan re Grand Master Access – **Cruz 083612**
- 184. 5/25/17 Ltr from Department of Veterans Affairs’ Office of Resolution Management to Dr. Dunning re Notice of Acceptance of EEO Complaint of Clara Finch Cruz, 200I-0614-2017101635 Filed on May 11, 2017 – **Cruz 006270 to 006278**
- 185. 6/29/17 Email from Dr. Pearlman to Dr. Ferguson re SYSTAT Software – **Cruz 083066**
- 186. 7/18/17 Email from Ms. O’Mearns to Dr. Ferguson re AIB Recommendation – **Cruz 011772 to 011774**

- 187. 8/17/17 Email from Dr. Hartronft to Ms. Slate re AI – Memphis VAMC – **Cruz 006202 to 006214**
- 188. 8/27/17 Email from Dr. Ferguson to Ms. O’Mearns re Board Makeup Info – Per Handbook 0700 – **Cruz 006088 to 006091**
- 189. 8/29/17 Email from Dr, Ferguson to Ms. O’Mearns re AB-FC – **Cruz 006084**
- 190. 9/1/17 Email from Ms. O’Mearns to Dr. Ferguson re AB-F-C – **Cruz 006079 to 006080**
- 191. 9/5/17 Email from Dr. Ferguson re Dr. Dunning re AIB – **Cruz 0011755**
- 192. 9/8/17 Email from Ms. O’Mearns to Dr. Ferguson re MCD to MCD Conversation reference AIB – **Cruz 011740 to 011742**
- 193. 9/11/17 Memo from Dr. Dunning to Dr. Hartronft and Dr. Samuel – **Cruz 00502**
- 194. 9/25/17 Dr. Ferguson testimony from AIB – **Cruz 003293 to 03341**
- 195. 10/12/17 Email from Dr. Ferguson to Ms. O’Mearns re *Dr. Ferguson - AIB Follow Request – **Cruz 006002 – 006004**
- 196. 10/12/17 Email from Ms. O’Mearns to Dr. Hartronft re *Dr. Ferguson – AIB Follow up Request – **Cruz 005999 to 006001**
- 197. 11/20/17 Email from Ms. O’Mearns to Dr. Hartronft re Help with Finding IB related to carts of unprocessed specimens being found in FEB – **Cruz 02202 to 02213**
- 198. 11/20/17 Email from Ms. Bady to Ms. Kirk re Memphis visit presentation 2 – **Cruz 075217 to 075243**
- 199. 11/28/17 Email from Dr. Ferguson to himself re Refrigerator data for the lab – **Cruz 004997 to 004998**

- 200. 12/6/17 Email from Dr. Ferguson to himself re Administrative Investigation Board Re: Allegations of Neglect of Duty – **Cruz 004845**
- 201. 1/23/17 Email from Ms. Kirk to Mr. Wise re Follow Up – **Cruz 011580**
- 202. 2/7/18 Email from Dr. Finch Cruz to Dr. Ferguson re Accepted: Meeting with Dr. FC and Human Resources – **Cruz 011477**
- 203. 3/6/18 Email from Dr. Ferguson to himself re Succession Questions – **Cruz 072883 to 72888**
- 204. 3/9/18 Email form Ms. Kirk to Dr. Finch Cruz re Meeting with COS – **Cruz 72878**
- 205. 3/15/18 Email from Dr. Finch Cruz to herself re Folder Ferguson: Assist Visit Briefing – **Cruz 009367**
- 206. 3/15/18 Email from Dr. Finch Cruz to herself re Request for Retirement SF-52- Dr. Pearlman Pathology and Laboratory Medicine – **Cruz 071548 to 071550**
- 207. 3/16/18 Email from Ms. Brewer to Dr. Ferguson re Involuntary Retirement – **Cruz 11029**
- 208. 3/8/17 Email from Dr. Ferguson to Ms. Franklin re Tissue Processors and histology – **Cruz 06429 to 06432**
- 209. 3/30/17 Email from Ms. Smith to Dr. Ferguson re AIB Dr. FC – **Cruz 006619 to 006620**
- 210. 3/30/17 Email from Ms. Austin to Dr. Ferguson re Time for responses to questions submitted to Dr. FC – **Cruz 00631 to 00633**
- 211. 3/26/17 Email from Dr. Ferguson to Ms. Miller re Time for responses to questions submitted to Dr. Finch Cruz – **Cruz 006812 to 006814**

- 212. 1/31/17 Email from Ms. Kirk to Dr. Ferguson re List – **Cruz 007441**
- 213. 1/23/18 Calendar Invite from Dr. Finch Cruz to Dr. Pearlman – **Cruz 010651**
- 214. 2/1/17 Memo from Dr. Ferguson re Detail – **Cruz 020431**
- 215. 2/5/18 Email from Ms. Brewer to Dr. Ferguson re Prop Removal – **Cruz 21073 to 21075**
- 216. 3/30/17 Email from Ms. Austin to Dr. Ferguson re Are there any others – **Cruz 028035**
- 217. 1/24/17 Email from Dr. Ferguson to Dr. Hartronft re Update Pathology Backlog – **Cruz 041429 to 041431**
- 218. 3/16/18 Email from Ms. Bradley to Ms. Kirk re Retirement Finch Cruz – **Cruz 071197 to 071198**
- 219. 3/15/18 Email from Dr. Finch Cruz to Ms. Bradley re Involuntary Retirement – **Cruz 071478**
- 220. Human Resources Reference documents and benefits – **1-001 to 1-00312**
- 221. Retirement Documents – **4-001 to 4-0023**
- 222. Medical Records – **5-001 to 5-200**
- 223. Pay and Performance Records – **6-001 to 6-00112**
- 224. Documents regarding Plaintiff's Demotion as Chief of Service – **7-001 to 7-00113**
- 225. Documents regarding Fact Finding - **8-001 to 8-00141**
- 226. Documents regarding Credentialing Issues – **9-001 to 9-0086**
- 227. Documents regarding Visits, Audits, Reviews, and Inspections – **10-001 to 10-00211**

- 228. Documents to Appear for AIB – **11-001 to 11-007**
- 229. Documents regarding Staff Processes SOP's Grossing Issues – **12-001 to 12-0116**
- 230. Documents regarding damages – **13-001 to 13-00364**
- 231. Documents regarding FY 2017 Performance Pay – **14-001 to 14-0014**
- 232. Documents regarding Equipment and Recruitment – **15-001 to 15-006**
- 233. W-2's 2015 to 2018 – **16-001 to 006**
- 234. Miscellaneous Documents to FVS Expert – **17-001 to 17-004**
- 235. Documents regarding Leave – **18-001 to 18-0035**
- 236. VA Training and Service Policies - **19-001 to 19-00204**
- 237. Anti-Retaliation Policies – **19-00205 to 19-00229**
- 238. PLMS Procedures/SOP's – **19-00231 to 19-00349**
- 239. Administrative Investigation Handbook 0700 – **19-00350 to 19-00441**
- 240. 3/8/18 Discharge from Dr. Dunning with attached policies – **21-001 to 21-0020**
- 241. Responses to Proposed Removal and Discharge with related documents and policies – **22-001 to 22-00562**
- 242. Documents pertaining to 2017 EEO Claims – **23-0050 to 23-001133**
- 243. Documents pertaining to 2018 EEO Claims – **24-0024 to 24-00406**
- 244. OIG June 19, 2018 Inspection of VAMC Memphis – **25-001 to 25-0077**
- 245. OIG August 2019 Report on Pathology and Processing Delays – **26-001 to 26-0041**
- 246. Plaintiff's folder of Dr. Ferguson's emails – **27-001 to 27-0027**
- 247. Newspaper articles regarding VA – **28-001 to 27-007**
- 248. Documents provided by Kay Hennessey – **29-001 to 29-171**

249. Plaintiff's emails to counsel in response contemporaneous events – **30-001 to 30-00247**

250.

THIS the 24th day of January, 2020.

Respectfully submitted,

CLARA FINCH CRUZ, MD

/s/ Tressa V. Johnson

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CERTIFICATE OF SERVICE

I, Tressa V. Johnson, one of the attorneys for the Plaintiff, do hereby certify that I have this day served via ECF filing and electronic mail, a true and correct copy of the above and foregoing document to the following counsel of record:

Monica M. Simmons-Jones
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THIS the 24th day of January, 2020.

/s/Tressa V. Johnson
Tressa V. Johnson